



**ASSEMBLY AMENDMENT 3,
TO 1995 SENATE BILL 144**

October 2, 1995 – Offered by Representatives GOETSCH, TRAVIS and DOBYNS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 13: delete lines 13 to 15 and substitute: “person is prohibited
3 from possessing a firearm under s. 51.20 (13) (cv), a search to determine whether the
4 person is subject to an injunction under s. 813.12 or 813.122 or a tribal injunction
5 filed with the circuit court under s. 813.12 (9) (a), and a search to determine whether
6 the person is prohibited from possessing a firearm under s. 813.125 (4m).”.

7 **2.** Page 10, line 20: after that line, after the material inserted by senate
8 amendment 1, insert:

9 **“SECTION 20w.** 813.125 (4) (a) 2. of the statutes is amended to read:
10 813.125 (4) (a) 2. The petitioner serves upon the respondent a copy of a
11 restraining order obtained under sub. (3) and notice of the time for the hearing on
12 the issuance of the injunction under sub. (3) (c). The restraining order or notice of
13 hearing served under this subdivision shall inform the respondent that, if the judge
14 or court commissioner issues an injunction, the judge or court commissioner may also
15 order the respondent not to possess a firearm while the injunction is in effect.”.

1 **3.** Page 10, line 22: delete the material beginning with that line and ending
2 with page 11, line 24, as affected by senate amendments 3 and 4, and substitute:

3 “813.125 **(4m)** RESTRICTION ON FIREARM POSSESSION; SURRENDER OF FIREARMS. (a)
4 If a judge or court commissioner issues an injunction under sub. (4) and the judge or
5 court commissioner determines, based on evidence presented at the hearing on the
6 issuance of the injunction, that the respondent may use a firearm to cause physical
7 harm to another or to endanger public safety, the judge or court commissioner may
8 prohibit the respondent from possessing a firearm.

9 (b) An order prohibiting a respondent from possessing a firearm issued under
10 par. (a) remains in effect until the expiration of the injunction issued under sub. (4).

11 (c) An order issued under par. (a) that prohibits a respondent from possessing
12 a firearm shall do all of the following:

13 1. Inform the respondent named in the petition of the requirements and
14 penalties under s. 941.29.

15 2. Except as provided in par. (cg), require the respondent to surrender any
16 firearms that he or she owns or has in his or her possession to the sheriff of the county
17 in which the action under this section was commenced, to the sheriff of the county
18 in which the respondent resides or to another person designated by the respondent
19 and approved by the judge or court commissioner. If a firearm is surrendered to a
20 person designated by the respondent and approved by the judge or court
21 commissioner, the judge or court commissioner shall inform the person to whom the
22 firearm is surrendered of the requirements and penalties under s. 941.29 (4).

1 (cg) If the respondent is a peace officer, an order issued under par. (a) may not
2 require the respondent to surrender a firearm that he or she is required, as a
3 condition of employment, to possess whether or not he or she is on duty.

4 (cm) 1. When a respondent surrenders a firearm under par. (c) 2. to a sheriff,
5 the sheriff who is receiving the firearm shall prepare a receipt for each firearm
6 surrendered to him or her. The receipt shall include the manufacturer, model and
7 serial number of the firearm surrendered to the sheriff and shall be signed by the
8 respondent and by the sheriff to whom the firearm is surrendered.

9 2. The sheriff shall keep the original of a receipt prepared under subd. 1. and
10 shall provide an exact copy of the receipt to the respondent. When the firearm
11 covered by the receipt is returned to the respondent under par. (d), the sheriff shall
12 surrender to the respondent the original receipt and all of his or her copies of the
13 receipt.

14 3. A receipt prepared under subd. 1. is conclusive proof that the respondent
15 owns the firearm for purposes of returning the firearm covered by the receipt to the
16 respondent under par. (d).

17 4. The sheriff may not enter any information contained on a receipt prepared
18 under subd. 1. into any computerized or direct electronic data transfer system in
19 order to store the information or disseminate or provide access to the information.

20 (d) A firearm surrendered under par. (c) 2. may not be returned to the
21 respondent until a judge or court commissioner determines all of the following:

22 1. That the injunction issued under sub. (4) has been vacated or has expired.

23 2. That the person is not prohibited from possessing a firearm under any state
24 or federal law or by the order of any federal court or state court, other than an order
25 from which the judge or court commissioner is competent to grant relief.

(e) If a respondent surrenders a firearm under par. (c) 2. that is owned by a person other than the respondent, the person who owns the firearm may apply for its return to the circuit court for the county in which the person to whom the firearm was surrendered is located. The court shall order such notice as it considers adequate to be given to all persons who have or may have an interest in the firearm and shall hold a hearing to hear all claims to its true ownership. If the right to possession is proved to the court's satisfaction, it shall order the firearm returned. If the court returns a firearm under this paragraph, the court shall inform the person to whom the firearm is returned of the requirements and penalties under s. 941.29 (4).

SECTION 21g. 813.125 (5) (am) of the statutes is created to read:

813.125 (5) (am) The petition shall inform the respondent that, if the judge or court commissioner issues an injunction, the judge or court commissioner may also order the respondent not to possess a firearm while the injunction is in effect.”.

4. Page 12, line 1: delete lines 1 to 4 and substitute:

“813.125 (5r) NOTICE TO DEPARTMENT OF JUSTICE. If an order prohibiting a respondent from possessing a firearm is issued under sub. (4m), the clerk of the circuit court shall notify the department of justice of the existence of the order prohibiting a respondent from possessing a firearm and shall provide the department of justice with information concerning the period during which the order is in effect and information neces-”.

5. Page 12, line 8: delete “s. 813.12, 813.122 or” and substitute “s. 813.12 or 813.122”.

6. Page 12, line 9: delete “813.125”.

7. Page 12, line 10: before that line insert:

“SECTION 23g. 941.29 (1) (g) of the statutes is created to read:

941.29 (1) (g) Ordered not to possess a firearm under s. 813.125 (4m).".

8. Page 12, line 23: after “(e)” insert “or (g)”.

9. Page 13, line 19: delete “(4m)” and substitute “(4) (a) 2., (4m), (5) (am)”.

10. Page 13, line 21: after that line insert:

“SECTION 27m. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.”.

(END)